

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 5, 2009. At the time of the Office Action, Claims 15-32 were pending in this Application. Claims 15-32 were rejected. Claims 1-14 were previously cancelled without prejudice or disclaimer. Applicant amends Claims 15, 18-19, 24, and 27-28 to further define aspects of the invention. Claims 16, 17, 21, 25, 26, and 30 are cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 15-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0016804 by Michael A. Sheha et al. (“*Sheha*”) in view of U.S. Patent Application Publication No. 2005/0141541 by Renaud Cuny et al. (“*Cuny*”).

Applicant respectfully traverses and submits the cited art combination, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S. Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog*

Enters., Inc. v. Fisher-Price, Inc., 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 127 S. Ct. at 1741).

Applicant has amended claim 15 to recite:

receiving a *Push-to-Talk over Cellular message (PoC)*
at a first PoC terminal device indicating that a user of a second
PoC terminal device has pressed a PoC talk button, the message
including a geographical location of the second PoC terminal
device;
indicating the geographical location of the second PoC
terminal device to a user of the first PoC terminal device;
indicating a direction of the first PoC terminal device
from the geographical location of the second PoC terminal
device;
indicating a distance of the first PoC terminal device
from the second PoC terminal device;
indicating a geographical location of the first PoC
terminal device on a map together with the geographical
location of the second PoC terminal device; and
indicating coordinates of both the first PoC terminal
device and the second PoC terminal device.

Applicant submits that neither *Sheha* nor *Cuny*, alone or in combination, disclose all of the limitations of amended independent Claim 15. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 15 under 35 U.S.C. § 103(a). Dependent Claim 18 is allowable to the extent Claim 15 is allowable. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 18. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. § 103(a), if necessary, and does not concede that the Examiner's proposed combination is proper.

Applicant has amended claim 19 to recite:

determining whether a parameter controllable by a user
of a first PoC terminal device allows for indicating a
geographical location of the first PoC terminal device to
another PoC terminal device to which a message may be sent;
writing information into the message, in response to the
user of the first PoC terminal device pressing a PoC talk button,
the information indicating the user pressed the PoC talk button
and, *only if the parameter allows,* describing a indicating the
geographical location of the first PoC terminal device; and
transmitting the message to one of a second PoC
terminal device and a communications network.

Applicant submits that neither *Sheha* nor *Cuny*, alone or in combination, disclose all of the limitations of amended independent Claim 19. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 19 under 35 U.S.C. § 103(a). Dependent Claims 20 and 22-23 are allowable to the extent Claim 19 is allowable. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 20 and 22-23. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. § 103(a), if necessary, and does not concede that the Examiner's proposed combination is proper.

Applicant has amended claim 24 to recite:

a receiver, the receiver receiving a PoC message indicating that a user of a further PoC terminal device has pressed a PoC talk button, the PoC message including a geographical location of the further PoC terminal device; and
an indicator, the indicator indicating the geographical location of the further PoC terminal device to a user of the PoC terminal device, *the indicator additionally indicating at least one of:*
a direction of the PoC terminal device from the geographical location of the further PoC terminal device;
a distance of the PoC terminal device from the further PoC terminal device;
a geographical location of the PoC terminal device on a map together with a geographical location of the further PoC terminal device; and
coordinates of both the PoC terminal device and the further PoC terminal device.

Applicant submits that neither *Sheha* nor *Cuny*, alone or in combination, disclose all of the limitations of amended independent Claim 24. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 24 under 35 U.S.C. § 103(a). Dependent Claim 27 is allowable to the extent Claim 24 is allowable. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 27. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. § 103(a), if necessary, and does not concede that the Examiner's proposed combination is proper.

Applicant has amended claim 28 to recite:

a parameter under control of a user of the PoC terminal device for determining whether the PoC terminal device allows

for indicating a geographical location of the PoC terminal device to another PoC terminal device to which a message is to be sent;

a message generator, the message generator writing information into the [[a]] message, responsive to a user of the PoC terminal device pressing a PoC talk button, the information indicating the user pressed the PoC talk button and, *only if the parameter allows*, describing a indicating the geographical location of the PoC terminal device; and

a transmitter, the transmitter transmitting the message to one of a further PoC terminal device and a communications network.

Applicant submits that neither *Sheha* nor *Cuny*, alone or in combination, disclose all of the limitations of amended independent Claim 28. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 28 under 35 U.S.C. § 103(a). Dependent Claims 29 and 31-32 are allowable to the extent Claim 28 is allowable. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claim 29 and 31-32. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. § 103(a), if necessary, and does not concede that the Examiner's proposed combination is proper.

CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant respectfully submits a Petition for Three-Month Extension of Time. The Commissioner is authorized to charge the fee of \$1,110.00 required to Deposit Account 50-4871 in order to effectuate this filing.

Applicant believes no additional fees are due. However, should the Commissioner deem that any additional fees are due, including any fees for additional extensions of time, the Commissioner is hereby authorized to debit such fees from Deposit Account No. 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.457.2030.

Respectfully submitted,
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